



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,923	05/10/2002	Des Richardson	1871-134	9609

6449 7590 02/24/2005

ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
1425 K STREET, N.W.  
SUITE 800  
WASHINGTON, DC 20005

EXAMINER

DAVIS, ZINNA NORTHINGTON

ART UNIT	PAPER NUMBER
----------	--------------

1625

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/069,923

Applicant(s)

RICHARDSON ET AL.

Examiner

Zinna Northington Davis

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,8-10,12-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8-10,12-14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the Amendment, Declaration, and Response filed December 22, 2004.
2. Claims 1, 4, 5, 8-10, 12-14 and 16 are pending. Claims 2, 3, 6, 7, 11, and 15 have been cancelled.
3. Applicant's arguments and Declaration filed December 22, 2004, with respect to the rejection(s) of claim(s) under 35 U.S.C. 112, 1<sup>st</sup> paragraph have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.
4. The indicated allowability of claim 1, 2, and 4 are withdrawn. The error is regretted. Upon further consideration, new grounds of rejections are made. See the rejections below.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Iki et al (Reference AO, cited by Applicants).

The instantly claimed compounds are disclosed. See RN 158833-86-4 and 158833-85-3. The claims are fully met when R2 is H and R1 is phenol or aniline.

7. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gimenez et al (Reference AQ, cited by Applicants).

Art Unit: 1625

The instantly claimed compound is disclosed. See RN 114011-30-2. The claims are fully met when R2 is H and R1 is thiophene.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by The Upjohn Company (Reference AE, cited by Applicants).

The instantly claimed compounds are disclosed. See RN 88053-38-7. The claims are fully met when R2 is H and R1 is furan.

9. Claims 1, 5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fujikawa et al (Reference N).

The instantly claimed compound is disclosed. See RN 25350-75-4. The claims are fully met when R2 is H and R1 is bromophenyl substituted by hydroxyl.

10. Claims 1, 4, 8-10, 12-14, and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ponka et al (Reference AP, cited by Applicants).

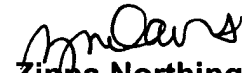
The instantly claimed compound is disclosed. The reference teaches that the disclosed compound is useful in iron therapy. See RN 15017-32-0. The claims are fully met when R2 is H and R1 is pyridine.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zinna N. Davis whose telephone number is 571-272-0682.

12. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-308-4566 for After Final communications.

Art Unit: 1625

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

  
**Zinna Northington Davis**  
**Primary Examiner**  
**Art Unit 1625**

Znd  
02.18.2005